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Committee on the Rights of the Child
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Summary record of the 2086th (Chamber A) meeting
Held at the Palais des Nations, Geneva, on Thursday, 21 January 2016, at 3 p.m.

Chair: Ms. Aldoseri (Vice-Chair)

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In the absence of the Chair, Ms. Aldoseri, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined second and third periodic reports of Brunei Darussalam (continued) (CRC/C/BRN/2-3; CRC/C/BRN/Q/2-3 and Add.1)

1. *At the invitation of the Chair, the delegation of Brunei Darussalam took places at the Committee table.*

2. **Ms. Ismail** (Brunei Darussalam) said that her Government was fully committed to continuing its efforts to ensuring that births were properly registered throughout the country, including in remote areas. The law required that all births should be registered; it was the duty of the parents of the child and the occupier of the house in which the child had been born to report the birth. It was also the duty of all police officers and village leaders to obtain information concerning every birth within their respective areas.

3. Responding to a question asked at the 2090th meeting concerning stateless children, she said that the authorities conducted public awareness campaigns that provided information on how to become a citizen of Brunei Darussalam. In 2015, a total of 268 children had been registered as stateless.

4. **Ms. Abdul Jalil** (Brunei Darussalam) said that the Ministry of Health had undertaken a number of initiatives to address the shortage of suitably qualified health workers. The measures taken had included improved remuneration packages aimed at encouraging practising professionals to remain within the country and information campaigns for young people on health-care careers. Regarding breastfeeding, the Ministry had launched a strategy on maternal, infant and young child nutrition that, among other things, sought to improve the exclusive breastfeeding rate for the first 6 months by 50 per cent by 2020. The Government was undertaking a study to ascertain whether the 2011 increase in the duration of maternity leave to 105 days had improved breastfeeding rates. The Ministry was currently considering the possibility of establishing a legal mechanism for ensuring compliance with the International Code of Marketing of Breast-milk Substitutes.

5. In response to a directive from the National Council on Social Issues, the Ministry of Health was working in collaboration with multiple relevant agencies, such as the Brunei Darussalam Aids Council, to raise awareness among young people of various sexual and reproductive health issues, including the prevention of HIV transmission.

6. Abortion was illegal under both the Criminal Code and the sharia Criminal Code, unless it was carried out to save the life of a pregnant woman. Abortion was not permitted in cases of rape or incest.

7. **Ms. Abdul Hamid** (Brunei Darussalam) said that the Department of Community Development provided care for girls who became pregnant as a result of rape or incest. Such girls were accommodated in an approved welfare home, where they were able to attend school during the term of their pregnancy. They received psychological counselling, appropriate prenatal and postnatal medical services and financial support.

8. **Ms. Abdul Jalil** (Brunei Darussalam) said that children born as a result of rape or incest were generally given up for adoption within the mother's family circle, if appropriate, or placed in a welfare home.

9. Regarding mental and psychiatric health services for children, she said that clinics had been established in both hospitals and community primary health-care

centres in order to improve the accessibility and acceptability of those services and to reduce the stigma attached to mental health disorders. Community mental health teams and a community rehabilitation centre had also been established. In addition, a psychiatric residential home had been opened to facilitate the rehabilitation of long-term institutionalized patients and their return into the community. Efforts were also being made to upgrade the skills of general practice doctors in primary health-care clinics in order to improve the diagnosis and management of common mental disorders. Specialized adolescent psychiatry services operated within hospitals, while child development centres provided follow-up care outside the hospital setting. In the period from 2005 to 2015, a total of 800 children had been registered with the psychiatric services run by the Ministry of Health.

10. The Narcotics Control Bureau, which was the lead agency in combating drug and substance abuse, pursued a policy that combined supply reduction through law enforcement, and demand reduction through treatment, rehabilitation and preventive drug education. As part of its efforts to raise awareness among students of the harmful effects of drug misuse, the Bureau disseminated anti-drug messages and organized regular talks and exhibitions in schools throughout the country, including in rural areas.

11. **Ms. Muhamad Shariff** asked what was done to reach out to young people who had dropped out of school.

12. **Ms. Abdul Jalil** (Brunei Darussalam) said that school dropouts were able to benefit from community programmes and activities organized by the National Anti-Drug Association, which was a non-governmental organization.

13. No cases of children living with HIV/AIDS had been reported.

14. **Ms. Abdul Hamid** (Brunei Darussalam), responding to an earlier question concerning poverty in Kampong Ayer, said that subsistence and education allowances were available for poor families that were eligible for welfare benefits. In order to ensure regular school attendance, the Community Development Department collaborated with the Department of Schools in investigating cases involving children who had an absence rate of more than 85 per cent and in implementing agreed interventions.

15. **Ms. Sulaiman** (Brunei Darussalam) said that the minimum age of criminal responsibility was 7. However, children between the ages of 7 and 12 could only be held criminally responsible where they had sufficient maturity of understanding to judge the nature and consequences of their actions at the time of the offence. A number of offences were still punishable by whipping. At present, there were no plans to revise provisions relating to such punishment or to the age of criminal responsibility. The Government would report to the Committee on any developments in that regard.

16. **Mr. Gastaud** asked about the number of children aged 7 who were currently imprisoned, the maximum prison term that could be imposed on a child of that age and alternative penalties to imprisonment and whipping.

17. **Ms. Osman** (Brunei Darussalam) said that minors up to the age of 18 who had been arrested in connection with a crime were held in a Department of Community Development remand home pending their appearance before a court. According to the nature of the offence and on the basis of an assessment by a social worker, juvenile courts could order youth offenders to be placed on probation for a minimum period of six months and to carry out community service.

18. **Ms. Sulaiman** (Brunei Darussalam) said that the civil and sharia legal systems operated in parallel. In the event that a case involved overlapping jurisdictions, a

national committee made up of prosecutors representing both systems met on an ad hoc basis to decide whether the civil or the sharia court should hear the case.

19. To date, no list of activities deemed hazardous for children had been drawn up by the Ministry of Labour. The Government would keep the Committee informed of any developments in that area.

20. In 2012, the Criminal Code had been amended to provide for the offence of pornography involving a child. The Code also included a number of provisions relating to child prostitution and the sexual exploitation of children.

21. **Ms. Muhamad Shariff** asked whether any steps had been taken to ensure that magistrates working within the juvenile justice system were properly trained.

22. **Ms. Sulaiman** (Brunei Darussalam) said that both magistrates and prosecutors who dealt with juvenile court cases received specialized training, such as on how to handle child witnesses. They also travelled abroad to study the practice of other countries, including Singapore and New Zealand.

23. **Ms. Abdul Jalil** (Brunei Darussalam) said that, since 2000, the maternal mortality rate had remained under 5 per 100,000 live births, and the latest figure, for 2013, was 1.5. The infant mortality rate had remained under 10 per 1,000 live births since 2000, and the latest figure, for 2014, was 7.3. A report entitled "Brunei Darussalam Millennium Development Goals and Beyond: Revisited 2010" provided additional information on the subject.

24. Children who had been sexually abused were referred to a community paediatrician who specialized in such cases or to an obstetrician or gynaecologist at the recently inaugurated Women and Children's Centre in the country's tertiary hospital. Sexually abused children were cared for by a special team, and if hospitalized, they were placed in a private room in order to protect their identity.

25. As far as HIV/AIDS was concerned, the Government provided all aspects of prevention, care, treatment and support, including comprehensive access to antiretroviral treatment, despite the lack of budget resources allocated specifically to HIV/AIDS. First-line antiretroviral treatment was provided free of charge to citizens and permanent residents, while second- and third-line therapy was offered under certain conditions. Since 1995, the country had recorded only one case, in 2011, of mother-to-child transmission of HIV. Since then, a total of nine other children had been born to five other HIV-positive mothers, and for the past five years, they had remained free of the virus. Orphans whose parents had been HIV-positive were usually cared for by the family or the State, with the most common arrangement being care provided by the family with assistance from the State.

26. **Ms. Aho Assouma** asked what kind of care was afforded orphans infected with HIV; what type of treatment was provided to women with obstetric fistula resulting from female genital mutilation; and whether recovery kits following caesarean section were available to all women, including refugee women.

27. **Ms. Abdul Jalil** (Brunei Darussalam) said that the Ministry of Health had no records of any cases of obstetric fistula caused by female genital mutilation, but if any occurred, they would be handled by the specialized gynaecological services of the Women and Children's Centre. There were currently no AIDS orphans in Brunei Darussalam; however, the Government's policy was to provide them with the same level of care as that given to other orphans. Although free maternal health services were offered to women who resided in Brunei Darussalam, there were no known cases of refugee women giving birth in the territory of the State.

28. **Ms. Aho Assouma** asked what measures had been taken to achieve the absence of HIV-positive children or AIDS orphans in Brunei Darussalam, as the State party's experience might be helpful to other countries that were struggling with HIV/AIDS.

29. **Ms. Abdul Jalil** (Brunei Darussalam) said that the country had recorded its first local case of HIV in 1986, and since then there had been a total of only 110 cases. Because the number of cases was low, the Government had been able to contain the spread of the virus by following each case closely and providing comprehensive treatment. Pregnant women who were infected with HIV were treated by a special team supervised by the Ministry of Health, and there were no cases of mother-to-child transmission. There had been four AIDS-related deaths in 2013 and one in 2014. A confidential registry was kept of such cases as a way of protecting the identity of the patients and avoiding the risk of their stigmatization.

30. Obesity among children in Brunei Darussalam was increasingly a matter of concern. Obesity prevention programmes had been set up beginning in infancy — for example, through the promotion of breastfeeding, bottle-feeding being considered an obesity risk factor. In addition, the national strategy for maternal, infant and young child nutrition had been formulated with a view to improving children's nutrition; it included components for the prevention of both obesity and stunting in children up to the age of 12. Obese or underweight children were referred to community dietitians in primary health-care centres, and those with severe obesity were treated under hospital programmes. A health promotion centre operated by the Ministry of Health offered lifestyle programmes aimed at reducing the incidence of obesity among adolescents and young people. A multisectoral committee had formulated a strategy targeting the prevention of non-communicable diseases, for which obesity was one risk factor. Many schools had health clubs and school health activities, and guidelines had been established for the preparation of healthy food choices in school canteens.

31. **Ms. Aho Assouma** asked what the obesity rate was in the State party and what share of the general budget was allocated to health.

32. **Ms. Abdul Jalil** (Brunei Darussalam) said that she did not have those figures readily available but would transmit them to the Committee in due course.

33. **Mr. Lim** (Brunei Darussalam) said that the National Education System for the 21st Century had been formulated with the aim of transforming general classroom dynamics, and teachers' standards had been introduced with a view to improving the overall quality of teaching. Meeting the needs of a growing student population, including building new schools, was a permanent feature of the mandate of the Ministry of Education.

34. **Mr. Gastaud** said that school hours appeared to be excessively long for some children, and as a result, they had relatively little time for leisure activities.

35. **Mr. Lim** (Brunei Darussalam) said that the length of the schoolday in Brunei Darussalam was actually shorter than in some neighbouring countries, and schoolchildren had sufficient time for leisure activities. Although they occasionally were offered extra classes, those were not mandatory, and once a week they could choose a co-curricular activity.

36. Some children with disabilities attended regular schools. However, those with more severe disabilities were encouraged to enrol in one of the nine Model Inclusive Schools for children with special needs, of which there were five at the primary level and four at the secondary level.

37. All schools in Brunei Darussalam taught Malay and English, but there was some variety in the other languages that schools offered, depending on the type of school.

For example, religious and Arabic schools offered Arabic; Chinese schools offered Chinese; and international schools offered other languages.

38. **Mr. Gastaud** asked whether the study of Islamic religion was compulsory for all students, including non-Muslims, in all State and private schools.

39. **Mr. Lim** (Brunei Darussalam) said that Islamic religion was one of the core subjects of the national curriculum, which was compulsory for students in both public and private schools; in international schools, however, it was offered only to Muslim students.

40. **Mr. Gastaud** said that the compulsory study of Islam infringed students' freedom of expression and religious freedom — non-Muslim students were forced to study a religion that they did not practice. He asked whether the State party would consider taking steps to exempt students from such studies, as was the practice in most other countries where there was a dominant religion.

41. **Mr. Lim** (Brunei Darussalam) said that the delegation would take Mr. Gastaud's suggestion under advisement and would contact the Committee when it had more information on the matter.

42. **Ms. Abdul Jalil** (Brunei Darussalam) pointed out that the compulsory study of Islamic religion and history, which was taught in schools under the authority of the Ministry of Education, was aimed at enhancing student's general knowledge. Islamic religious schools, on the other hand, were under the authority of the Ministry of Religious Affairs and provided in-depth instruction to Muslim students in the Koran, Islamic history and the Arabic language.

43. **The Chair** asked whether enrolment in international schools was open only to the children of diplomats.

44. **Mr. Lim** (Brunei Darussalam) said that it was not: it was open to the general public. Referring to a question on steps taken in schools to change gender stereotypes, he said that the public school curriculum emphasized the roles of both men and women in raising children, and the Government conducted annual programmes along the same lines. Children gained their understanding of gender roles from observing the behaviour of the adult members of their household.

45. **Ms. Alawi** (Brunei Darussalam) said that prospective spouses were required to complete a premarital course on the duties of husbands and wives toward each other and their children. Courses were also available to married couples, as well as to those whose marriages had been dissolved, on health and financial management.

46. **Ms. Abdul Hamid** (Brunei Darussalam) said that the mandate of the Department of Community Development included strengthening the institution of the family. A special committee on the family and women's issues had been established as part of the National Council on Social Issues, and several programmes had been set up to ensure that the shared responsibility of spouses was taken into consideration. Workshops on parenting skills were also organized, and National Family Day was celebrated each year.

47. **Ms. Sandberg** asked whether fathers were entitled to parental leave.

48. **Ms. Abdul Hamid** (Brunei Darussalam) said that there was no paternity leave benefit, as such, but that fathers were permitted to take annual leave on the birth of a child. The Government had increased the length of maternity leave for working mothers from 58 to 108 days. Workshops on parenting skills, which were taught to working mothers and fathers, were designed to instil awareness about sharing responsibilities and balancing work and family commitments.

49. **Ms. Aho Assouma** requested more details concerning what was taught in marriage preparation classes about the payment of maintenance fees and the practice of dowry. She wondered why the delegation was composed primarily of women, as it gave the impression that men considered children to be less their responsibility and more that of women.

50. **The Chair** asked whether school subjects in which children were taught the importance of the shared responsibility of parents did so in a way that nonetheless implied a division of labour in which women had the primary responsibility for the care of children.

51. **Mr. Lim** (Brunei Darussalam) said that he did not have information on hand to answer that question but would transmit it to the Committee subsequently.

52. **Ms. Sandberg** asked whether children in Brunei Darussalam were encouraged to follow courses that were traditionally associated with the opposite sex.

53. **Ms. Abdul Jalil** (Brunei Darussalam) said that the Government neither encouraged nor discouraged children from following any courses on the basis of gender; children were free to choose their own paths in relation to their abilities or intellectual capacity. In actuality, there were more girls in secondary and tertiary education than boys, and the proportion of girls in technical or vocational education was almost 50 per cent. Aside from the fact that, in general, there were more women than men in the civil service, the members of the Brunei Darussalam delegation had been chosen on the basis of their positions and expertise, not their gender.

54. **Ms. Alawi** (Brunei Darussalam) said that, under sharia law, Muslims were required to take a premarital course, failing which their marriage certificate was withheld. Among the subjects dealt with in the course were *nafkah*, or maintenance of the wife and children; the effect of the non-payment of maintenance; and recovery of arrears of maintenance.

55. **Mr. Lim** (Brunei Darussalam) said that both male and female children had equal opportunities for school enrolment and educational assistance at every level. In the Global Gender Gap Report 2014, published by the World Economic Forum, Brunei Darussalam was ranked first in enrolment in secondary and tertiary education. Female students were well represented in technical and vocational education, with an enrolment rate in 2013 of 47 per cent. Girls were not discouraged from embarking on vocational and technical education; on the contrary, there was remarkable gender parity in Brunei Darussalam in that regard.

56. **Ms. Sandberg** commended the State party for its first-place ranking. She wished to know whether, when women finished their education and had a family, they continued to work in full-time employment.

57. **Ms. Abdul Jalil** (Brunei Darussalam) said that all the women in the delegation were married and had a full-time job. There was a very strong family support system in Brunei Darussalam, including assistance from grandparents, which enabled women to combine a full career with raising children, and relatively affordable child-care and domestic assistance was available to working women.

58. **Ms. Abdul Hamid** (Brunei Darussalam), referring to statistics on abandoned children, said that, in 2013, two abandoned babies had been found alive and two had been found dead; in 2014, two had been found dead. Abandoned infants who were found alive were put up for adoption in accordance with the adoption system administered by the Department of Community Development.

59. **Ms. Sandberg** asked for what reasons children might be removed from their families and what support was available to families in order to prevent separation from their children.

60. **Ms. Osman** (Brunei Darussalam) said that children might be separated from their families when both parents were in prison and there were no relatives capable of taking them in, or in order to protect them from harmful situations in the home. When children were removed from their families, a social worker was assigned to the case to ensure that the children were cared for, to trace any relatives and to find alternative care where necessary. The ability of mothers to care for their children was assessed before their release from prison, and the Department of Community Development provided them with counselling and employment assistance. She stressed that the placement of children in institutions was a last resort.

61. **Ms. Sandberg** suggested that there might be fewer social workers in Brunei Darussalam than should be desirable.

62. **Ms. Osman** (Brunei Darussalam) replied that the Department would prefer to have more. Social workers conducted unannounced visits of foster homes until the children were settled, or throughout their placement if deemed necessary.

63. **The Chair**, supported by **Ms. Sandberg**, invited the delegation to comment on reports that children were used as domestic workers or for extra income by their foster or adoptive families and on plans to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

64. **Ms. Abdul Hamid** (Brunei Darussalam) said that family businesses were common in Brunei Darussalam; exploitation would have to be proven through an enquiry before the authorities could remove a child from a foster home.

65. **Ms. Abdul Jalil** (Brunei Darussalam) said that the eligibility criteria for adoptive parents were being revised to enhance background checks with a view to reducing the risk that children might be placed with unsuitable families.

The meeting was suspended at 4.40 p.m. and resumed at 4.50 p.m.

66. **Ms. Sulaiman** (Brunei Darussalam) said that the country had yet to ratify the Hague Convention because its domestic legislation was not fully consistent with it. Child witnesses were assigned a social worker and the Code of Criminal Procedure included special protection measures, such as a ban on the publication of their name, school and any other means of identifying them. The law did provide for the possibility of imposing the death penalty on a minor; however, she stressed that the burden of proof was very high in such cases and that due process was guaranteed in civil and sharia courts alike.

67. **Ms. Sandberg** asked for clarification as to whether the State party was aligning its laws with a view to ratifying the Hague Convention and said she wished to know how many children were living in institutions and foster homes and whether it was true that the foster care scheme was temporary.

68. **Mr. Gastaud** asked whether any children had been sentenced to death or to hand amputation and, if so, how many and for what offences.

69. **Ms. Sulaiman** (Brunei Darussalam) said that no children had been sentenced to either of those punishments. The adoption of Muslim children was governed by the Islamic Adoption of Children Act, under which the courts were required to consider the best interest of the child and to seek the views of the parents or guardians and, where possible, the child. The Act stipulated that non-Muslims could not adopt a Muslim child and that children were to keep the name of their biological parents if they were known.

70. **Mr. Madi** said it would therefore appear that the adoption of Muslim and non-Muslim children was subject to different rules. He asked how a child's religion was established in cases of abandonment when the parents were unknown.

71. **Ms. Sulaiman** (Brunei Darussalam) replied that, in such situations, the law provided that the child would automatically be assumed to be Muslim.

72. **Ms. Abdul Hamid** (Brunei Darussalam) said that the foster care system was only temporary insofar as children lived with their foster families up to the age of 18, at which time they were free to choose whether or not to stay.

73. **Ms. Sandberg** asked whether children were prepared for life after foster care and whether foster families received any benefits. She also asked what proportion of children separated from their families were placed in institutions as compared to foster care.

74. **Mr. Gastaud**, noting that there was a statutory minimum working age, asked whether there were labour inspectors to enforce the law and whether any employers had ever been prosecuted and convicted for employing a child under that age.

75. **Ms. Aho Assouma**, repeating an earlier question about arrears in maintenance payments, asked what happened when a male relative who was responsible for the woman did not have the means to pay.

76. **Ms. Alawi** (Brunei Darussalam) replied that the Islamic Family Law Order stipulated that maintenance could be recovered in the same way as debt. In cases where the male relative had no resources, bankruptcy proceedings were initiated and any assets in his name could be seized and used to pay maintenance arrears.

77. **Ms. Sulaiman** (Brunei Darussalam) said that there were restrictions on the imprisonment of children and that alternative sentencing was used in the case of juvenile offenders.

78. **Ms. Abdul Hamid** (Brunei Darussalam) said that institutionalized children were assessed before they left the institution to ensure that they were prepared for independent life in society. The Department of Community Development helped them to find training or employment, and temporary financial assistance could be provided.

79. **Ms. Abdul Jalil** (Brunei Darussalam) said that there were labour inspectors but that no employers had yet been convicted of using child labour.

80. **The Chair** asked what name was given to children raised by foster families and whether they might be stigmatized for not being a couple's biological children.

81. **Ms. Abdul Hamid** (Brunei Darussalam) said that only abandoned children could be given their foster parents' name if the latter adopted them; other children kept their birth name or were given a name by the Department of Community Development.

82. **Ms. Sulaiman** (Brunei Darussalam) said that the adoption of Muslim children and non-Muslim children was governed by different laws. In the case of non-Muslim children, the adoption had to be authorized by the courts and all parental obligations were transferred to the adoptive parents.

83. **Mr. Madi** asked whether those obligations included the transmission of the adoptive parent's name and the inclusion of the adopted children in any inheritance.

84. **Ms. Sulaiman** (Brunei Darussalam) replied that adopted children could change their name to that of their adoptive parents and had equal inheritance rights.

85. **Mr. Nogueira Neto** (Country Rapporteur) thanked the delegation for its answers and said that the Committee looked forward to the State party's written replies to the questions that remained unanswered and especially to the provision of statistics.

Reminding the State party that it had the obligation to align its legislation with the Convention, he said he hoped that it would strive to uphold all the universal legal principles.

86. **Ms. Abdul Jalil** (Brunei Darussalam), thanking the Committee for its insightful observations and constructive comments, said that engaging directly with the Committee had been extremely beneficial. Brunei Darussalam remained committed to fulfilling its obligations under the Convention, in accordance with the Constitution and sharia law and bearing in mind its specific challenges, particularly a lack of human resources. The delegation would transmit the Committee's comments and recommendations to the relevant Government agencies and other stakeholders.

87. **The Chair** said she hoped that the State party would take into consideration the Committee's recommendations, in particular with regard to aligning domestic legislation with the Convention and lifting the remaining reservations.

The meeting rose at 5.30 p.m.